



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2013 REGULAR SESSION

---

SENATE BILL NO. 93

---

WEDNESDAY, FEBRUARY 20, 2013

---

The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED  
DATE March 14, 2013  
3:14pm

---

ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Allen

1 AN ACT relating to the Uniform Commercial Code and declaring an emergency.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. KRS 355.4A-108 is amended to read as follows:

4 (1) Except as provided in subsection (2) of this section, this article does not apply to a  
5 funds transfer any part of which is governed by the Electronic Fund Transfer Act of  
6 1978 (Title XX, P.L. 95-630, 92 Stat. 3728, 15 U.S.C. secs. 1693 et seq.) as  
7 amended from time to time.

8 (2) This article applies to a funds transfer that is a remittance transfer as defined in  
9 the Electronic Fund Transfer Act, 15 U.S.C. sec. 16930-1, as amended from time  
10 to time, unless the remittance transfer is an electronic fund transfer as defined in  
11 the Electronic Fund Transfer Act, 15 U.S.C. sec. 1693a, as amended from time to  
12 time.

13 (3) In a funds transfer to which this article applies, in the event of an inconsistency  
14 between an applicable provision of this article and an applicable provision of the  
15 Electronic Fund Transfer Act, the provision of the Electronic Fund Transfer Act  
16 governs to the extent of the inconsistency.

17 ➔Section 2. 2012 Ky. Acts ch. 132, sec. 102 is repealed, reenacted, and amended  
18 to read as follows:

19 Sections 60 to 99 of this Act take effect July 1, 2013.

20 ➔Section 3. KRS 355.9-801 (Effective July 1, 2013) is repealed, reenacted, and  
21 amended to read as follows:

22 Amendments to existing statutes and the creation of new statutes in this article  
23 contained in 2012 Ky. Acts ch. 132, secs. 60 to 99~~[KRS 355.9-801 to 355.9-809]~~ shall  
24 take effect on July 1, 2013.

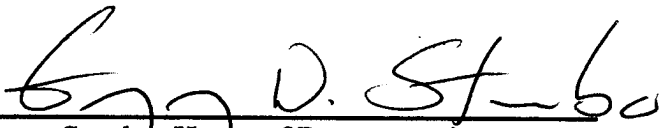
25 ➔Section 4. KRS 355.9-809 (Effective July 1, 2013) is repealed, reenacted, and  
26 amended to read as follows:

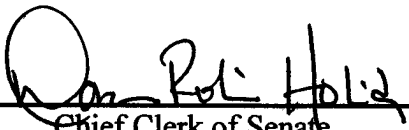
27 Amendments to existing statutes and the creation of new statutes in this article

1 contained in 2012 Ky. Acts ch. 132, secs. 60 to 99 determine~~[KRS 355.9-801 to 355.9-~~  
2 ~~809-determines]~~ the priority of conflicting claims to collateral. However, if the relative  
3 priorities of the claims were established before July 1, 2013, this article as it existed  
4 before amendment determines priority.

5       ➔Section 5. Whereas it is in the interest of the public welfare, an emergency is  
6 declared to exist, and this Act takes effect upon its passage and approval by the Governor  
7 or upon its otherwise becoming law.

  
\_\_\_\_\_  
President of Senate

  
\_\_\_\_\_  
Speaker-House of Representatives

Attest:   
\_\_\_\_\_  
Chief Clerk of Senate

Approved   
\_\_\_\_\_  
Governor

Date 3-14-13